

DESCRIPTION OF VIRGINIA'S JUVENILE JUSTICE SYSTEM

TABLE OF CONTENTS

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	PAGE
STRUCTURE AND FUNCTION	
Law Enforcement	3
The Courts	4
Rehabilitation Services	9
Virginia Juvenile Community Crime Control Act (VJCCCA)	10
Department of Juvenile Justice	10
Juvenile & Domestic Relations Court Services Units	11
Post-dispositional Services	14
Juvenile Correctional Centers	17
State-operated Group Homes/Halfway Houses	18
Parole	18
Secure Detention	19
Abused, Neglected, Abandoned Child	21
Child in Need of Services (CHINS)	22
Child in Need of Supervision (CHINSup)	23
Status Offender	24
Offices on Youth	25

SYSTEM FLOW

System Flow Chart	27
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SERVICE NETWORK

Department of Criminal Justice Services	30
Juvenile Services Section	30
Correctional Services Section	34
Law Enforcement Services Section	34
Department of Alcoholic Beverage Control	35
Commission on Youth	36
Office of Comprehensive Services	37
Department of Correctional Education	39
Department of Education	39
Department of Health	40
Department of Mental Health, Mental Retardation, and Substance Abuse Services	43
Safe and Drug-Free Schools and Communities Act	45
Governor's Office for Substance Abuse Prevention	46
Department of Education	47
Department of Social Services	48
Virginia Supreme Court	51
Virginia Tobacco Settlement Foundation	51

A. VIRGINIA'S JUVENILE JUSTICE SYSTEM: STRUCTURE AND FUNCTION

The formal juvenile justice system in Virginia is composed of three primary components: law enforcement, the courts, and rehabilitation services. The organization, function, and responsibilities of these components are described in this section. Information on various other organizations and programs that address the problems and needs of Virginia's youth at risk for or involved in delinquent behavior may be included in the *Service Network* description which follows this section.

LAW ENFORCEMENT

Law enforcement agencies typically function as a youth's first contact with the justice system. This is true in instances of delinquent behavior, as well as when a child has run away from home or has been abused, neglected or abandoned. Except for the Virginia State Police, law enforcement agencies throughout the Commonwealth are operated locally through either sheriffs' offices or police departments.

Law Enforcement Training

The Department of Criminal Justice Services (DCJS) is the state agency responsible for promulgating criminal justice training regulations and monitoring compliance with the regulations. Virginia's current criminal justice training delivery system is composed of 36 certified academies. There are 10 regional law enforcement training academies, geographically distributed throughout the Commonwealth, that receive partial state funding, seven State training academies including the Virginia State Police Academy and the Academy for Staff Development, and nine other training academies classified as independent.

Under the *Rules Related to Compulsory Minimum Training Standards for Law Enforcement Officers*, each officer must complete a minimum of 480 hours of basic training plus 100 hours of field training within 12 months of employment. As sworn officers, they must also complete 40 hours of in-service training during every subsequent two-year period. Some officers choose to gain advanced training in juvenile matters through courses offered by a variety of sources, including criminal justice training academies, the FBI academy, and state conferences.

All basic training conducted through the academies is designed by the DCJS Training & Standards Section through a 'job task analysis' that delineates specific performance objectives for each officer. Specific to juvenile matters, each officer must demonstrate knowledge of the legal procedures for handling juveniles, special crimes against juveniles, the psychological effects of such crimes, and referral resources. The Law Enforcement Services Section within DCJS

produces various model policies for law enforcement agencies, including a section that deals with juvenile issues.

Police Diversion

Diversion of youth from the juvenile justice system in Virginia occurs at both the law enforcement and court intake levels. At the law enforcement level, the decision to divert is an informal and discretionary one. If the officer deems that it is in the best interest of the child to handle the case informally, he or she may elect to release the child to the custody of parents or guardians, refer the youth directly for treatment or counseling services, or release the youth with a warning. Alternatively, the officer may elect to take the alleged offending youth to the nearest Juvenile and Domestic Relations Court intake office for the processing of a delinquency petition.

Community Policing

Many law enforcement agencies have embraced the philosophy of community policing. The growing interest in community policing has furthered the agency's efforts to develop training to assist communities to develop their community policing systems. One of the benefits of the community policing philosophy is a more holistic approach to problem-solving about local public safety issues. This approach brings together local resources to solve problems and thus avoids the service fragmentation that allows needy people to "fall through the cracks" of local juvenile justice and social support systems.

THE COURTS

General District Court

District courts include general district courts and juvenile and domestic relations district courts. General district courts have original jurisdiction over most civil matters, traffic and criminal cases involving local ordinances, and certain misdemeanors.

Juvenile & Domestic Relations District Court

There are 32 juvenile & domestic relations (J&DR) districts and 117 individual juvenile courts in the Commonwealth with jurisdiction over cases involving violations in which a juvenile is either a victim or a defendant. Cases heard in the J&DR district courts include delinquency petitions, status offenses, petitions related to abused or neglected children, traffic offenses involving youth, and certain domestic relations issues like custody, visitation and support. Each court has one or more judges who are appointed to six-year terms by the legislature.

Matters over which the J&DR courts have exclusive original jurisdiction include delinquency (except for specific serious offenses alleged to be committed by

juveniles 14 years of age or older over which the circuit court has jurisdiction), child custody, visitation, support, and termination of parental rights and responsibilities. All parties subject to a juvenile court order may appeal the decision to the circuit court. Cases appealed to circuit court are heard *de novo*, or, from the beginning. When hearing juvenile cases on appeal, the circuit court has the same power and authority as did the juvenile court in the original action.

Circuit Court

The circuit court is the trial court of general jurisdiction in Virginia, having jurisdiction over criminal matters and over petitions for divorce, affirmation or annulment of a marriage, separate maintenance, change of name, and adoption. Under certain circumstances, when a suit for divorce has been filed in a circuit court in which custody, guardianship, visitation, child support, or spousal support is at issue, the juvenile courts are divested of the right to enter any further orders pertaining to the family's circumstances. The circuit court also has jurisdiction to hear cases for juveniles age 14 and older with certain charges where the court has original jurisdiction, and for youth aged 14 and older for whom jurisdiction is transferred from juvenile court pursuant to §16.1-269.1 of the *Code of Virginia*.

Transfer of Jurisdiction

The statute regarding transfer of jurisdiction from the juvenile court to the adult court was changed significantly as part of the juvenile justice reform of 1996. Under *Code* §16.1-269.1A, jurisdiction may be transferred from the juvenile court (J&DR) to the adult court (circuit court) if the following conditions are met:

1. The child is fourteen years of age or older at the time of the alleged commission of the felony offense.
2. Notice as prescribed in §§ 16.1-263 and 16.1-264 is given to the child and his parent, guardian, legal custodian or other person standing *in loco parentis* or attorney.
3. The juvenile court finds that there is probable cause to believe that the child committed the delinquent act as alleged or a lesser included delinquent act, which would be a felony if committed by an adult.
4. The juvenile is competent to stand trial.
5. The court finds by a preponderance of the evidence that the juvenile is not a proper person to remain within the jurisdiction of the juvenile court.

The juvenile court is required to conduct a preliminary hearing in any case where a juvenile fourteen years of age or older is charged with murder in violation of §§ 18.2-31, 18.2-32, or 18.2-40, or aggravated malicious wounding (§18.2-51.2).

If the Commonwealth's Attorney so elects, the court is also required to conduct a transfer hearing in any case where the juvenile fourteen years of age or older is charged with murder (§18.2-33), felonious injury by mob (§18.2-41), abduction (§18.2-48), malicious wounding (§18.2-51), malicious wounding of a law-

enforcement officer (§18.2-51.1), felonious poisoning (§18.2-54.1), adulteration of products (§18.2-54.2), robbery (§18.2-58), carjacking (§18.2-58.1), rape (§18.2-61), forcible sodomy (§18.2-67.1) or object sexual penetration (§18.2-67.2). If the juvenile court finds probable cause pursuant to the preliminary hearing, the juvenile court must certify the charge(s) to the grand jury and divest itself of jurisdiction as to that charge and any ancillary charges. If the juvenile court does not find probable cause, the Commonwealth's Attorney may still seek direct indictment in circuit court.

Court of Appeals

There is an appeal of right from the J&DR court to the circuit court on a de novo basis. This means that an appeal of a juvenile court order is re-tried from the beginning (*de novo*) in the circuit court. An appeal of a circuit court order may then be noted in the Court of Appeals. A case is overturned on appeal, from a court of record, when the person bringing the appeal can show that there was a judicial error committed in circuit court.

Attorneys and Advocates

Defense Attorneys

Prior to the detention hearing, the court shall appoint a qualified and competent attorney-at-law to represent the child unless an attorney has been retained and appears on behalf of the child¹.

Effective July 1, 2005², to initially qualify to serve as appointed counsel in a Juvenile and Domestic Relations District Court the attorney shall:

- (i) Be a member in good standing of the Virginia State Bar,
- (ii) Have completed the six hours of MCLE-approved continuing legal education developed by the Commission,
- (iii) Have completed four additional hours of MCLE-approved continuing legal education on representing juveniles developed by the Virginia Indigent Defense Commission, and
- (iv) Certify that he has participated as either lead counsel or co-counsel in four cases involving juveniles in a Juvenile and Domestic Relations District Court.
- (v) If the attorney has been an active member of the Virginia State Bar for more than one year and certifies that he has, within the past year, been lead counsel in four cases involving juveniles in Juvenile and Domestic Relations District Court, the requirement to complete the 10 hours of continuing legal education shall be waived.

¹ Code of Virginia, §16.1-266.B

² Code of Virginia, §19.2-163.03 (C).

- (vi) If the attorney has been an active member of the Virginia State Bar for more than one year and certifies that he has participated, within the past five years in five cases involving juveniles in a Juvenile and Domestic Relations District Court, the requirement to participate as either lead counsel or co-counsel in four juvenile cases shall be waived.

The Virginia Indigent Defense Commission has increased the education of those individuals providing legal representation to juveniles and has developed an annual continuing legal education seminar designed to educate attorneys on detention, confinement, transfer, and appellate issues.

The availability of legal counsel varies between court jurisdictions. In counties that have public defender offices, the public defenders have the capacity to represent indigent juveniles. Before 1995, only two public defender offices had a formal juvenile division. One more formal juvenile division was added in 1995. In FY 2005, Public Defender offices represented 8,708 juveniles charged with 14,077 offenses. As noted above, in jurisdictions without public defender offices, the court appoints a lawyer to represent the juvenile from the certified court appointed attorney list.

The juvenile court is viewed frequently as a training opportunity for novice attorneys. Attorneys appointed by the court are paid based on a fee scale established by the Virginia Supreme Court. If the court determines that the family is financially able to pay for the attorney, it will assess a fee against the parent(s) for all or part of the attorney's fees. A review of other states' statutes and court rules reveals that the maximum fee payable to an assigned counsel in Virginia for the representation of a juvenile in juvenile court is among the lowest in the country.

Prosecutors

Of the 120 elected Commonwealth's Attorneys and 545 state and locally funded full-time Assistant Commonwealth's Attorneys, approximately 102 are exclusively assigned to juvenile court. In those localities that do not specifically assign assistants to juvenile and domestic relations court work, the work is handled on a rotating basis. Most jurisdictions use the system of vertical prosecution, whereby once a prosecutor is assigned to a particular case, he or she follows that case through the entire trial court process.

The Commonwealth's Attorneys' Services Council is the Executive Branch state agency responsible for providing training and other services to the 120 elected Commonwealth's Attorneys and more than 545 Assistant Commonwealth's Attorneys in Virginia. Prosecutors depend on Council-sponsored training programs to meet the annual continuing legal education requirements mandated by the Virginia State Bar to maintain their licenses to practice law. Each year, the Council sponsors numerous training programs, including the Spring Institute, a multi-track program open to all prosecutors that emphasizes recent

developments in statutory and case law and offers training on a wide variety of pertinent topics.

The Council's Curriculum Committee develops the curriculum for the Spring Institute, as well as the curricula for the Council's other training programs, based on the specific needs of Virginia's prosecutors as ascertained through evaluations and solicited requests. Spring Institute is regularly attended by more than 500 prosecutors and frequently includes a track on the prosecution of juvenile offenders. In addition, based on need and the availability of grant funding, the Council periodically offers special courses, distinct from those offered annually, geared to prosecutors in juvenile court.

Guardians *ad litem*

In any case involving allegations of abuse or neglect, entrustment, or termination of parental rights, the *Code of Virginia*³ provides for the appointment of a competent attorney-at-law as guardian *ad litem* (GAL) to represent the interests and welfare of a child. Guardians *ad litem* are being appointed with more frequency in contested custody cases where no abuse or neglect is alleged but the court is interested in determining what is best for the child.

Compensation of GALs is \$55 per hour out-of-court and \$75 per hour in-court. However, while the *Code* imposes a maximum fee payable to counsel appointed to represent a juvenile in a delinquency matter or an indigent adult, there is no cap on compensation of a GAL.

There are qualification standards that govern the appointment of an attorney as a GAL. *Standards to Govern the Performance of Guardians Ad Litem* have been adopted by the Judicial Council of Virginia and were effective September 1, 2003. These standards apply to all attorneys serving as guardians *ad litem* for children in child protection, custody and visitation, juvenile delinquency, child in need of supervision, child in need of services, status offense and other appropriate cases, as determined by the court, in juvenile and domestic relations district courts, circuit courts, the Court of Appeals and the Supreme Court of Virginia. These standards augment the policies governing the qualification of attorneys as *guardians ad litem*.

The circumstances of appointments of *guardians ad litem* are contained in the *Code of Virginia*, §16.1-266.

Court Appointed Special Advocates (CASA)

Virginia has established a Court Appointed Special Advocate (CASA) program through *Code* §9.1-151 et seq. A statewide network of 28 locally-operated CASA programs has been established with a state-level Advisory Committee and administrative support from the DCJS. Specially trained CASA volunteers are appointed at the court's discretion in cases involving allegations of child abuse or neglect and children in need of services or supervision. Duties of the volunteers

³ Section 16.1-266.A

include investigation of the case to provide independent factual information to the court; submission of a report of such investigation to the court; monitoring the assigned case for compliance with court orders; assisting the GAL, if one was appointed to represent the child's needs and best interests; and reporting a suspected abused or neglected child pursuant to 63.1-248.3.

Court Improvement Program

The Court Improvement Program is a national initiative funded by the Omnibus Budget Reconciliation Act of 1993 (P.L.103-66) to improve the response of the country's juvenile court systems to handling abuse, neglect, foster care and adoption litigation. Funding for this program has continued, most notably through the Adoption and Safe Families Act of 1997. Virginia's program began in 1995 and is housed in the Office of the Executive Secretary, Supreme Court of Virginia. The goal of this program is to improve the court's processing of child abuse, neglect and foster care cases. The objective of this initiative is to reduce the amount of time children spend in foster care and to achieve permanency as soon as possible for every child who enters the foster care system

Activities of the Court Improvement Program focus on facilitating judicial leadership, local collaboration, and compliance with federal and state law and recommended best practices. Staff resources are engaged in training and technical assistance at state and local levels and the development of legal and court policies that improve child dependency litigation and child permanency outcomes. The support and active involvement of the Virginia Department of Social Services and its local agencies, the Virginia Bar, Court Appointed Special Advocates and other stakeholder community programs and advocates for children and families remain central to efforts by the court system to improve how child dependency cases are processed, adjudicated and resolved.

REHABILITATION SERVICES

Virginia's rehabilitation component of the juvenile justice system is a broad network of locally, privately, and state-operated programs and services that has developed over several decades. Programs range from community-based services aimed at youth at risk for delinquent behavior to secure and highly structured state-run juvenile correctional facilities. Treatment approaches range from supervision of the youth in his or her home to intensive therapeutic intervention in a residential setting.

These programs are supported by a variety of funding sources administered by numerous public or private agencies. Locally, management structures vary between private, municipal, and state control. The benefit of this system is that programs can be developed in response to local needs, interests, and available resources. The disadvantage is that many localities do not provide a full continuum of services that is responsive to the needs of juveniles.

Virginia Juvenile Community Crime Control Act

The General Assembly enacted the Virginia Juvenile Community Crime Control Act (VJCCCA), effective January 1, 1996, to: "ensure the imposition of appropriate and just sanctions and to make the most efficient use of correctional resources for those juveniles before intake on complaints or the court on petitions alleging that the juvenile is a child in need of services, child in need of supervision, or delinquent.... [VJCCCA] establish[es] a community-based system of progressive intensive sanctions and services that correspond to the severity of offense and treatment needs. The purpose of this system shall be to deter crime by providing immediate, effective punishment that emphasizes accountability of the juvenile offender for his actions as well as reduces the pattern of repeat offending" (*Code* §16.1-309.2).

Local plans, which must be approved by the Board of Juvenile Justice, are developed by each participating locality in consultation with the juvenile court judge and the director of the local court service unit (CSU). The Board of Juvenile Justice approves plans. All 134 of Virginia localities participate in VJCCCA, although some have combined their funding to provide more efficient services. The Department of Juvenile Justice monitors and provides technical assistance to localities.

Department of Juvenile Justice

The Department of Juvenile Justice (DJJ) provides for custody and care of committed juveniles, community supervision and case management, and support for community programs and services. It also uses public and private providers for the provision of pre- and post-dispositional services. DJJ is Virginia's primary Executive Branch operational agency providing services to delinquent youth. DJJ serves the Commonwealth with a central office in Richmond and three regional offices. A seven-member citizen board appointed by the Governor serves as a policy-setting authority with powers and responsibilities contained in Title 66, Chapter 1 of the *Code*.

The mission of DJJ is to protect the public through a balanced approach of comprehensive services that prevent and reduce juvenile delinquency through partnerships with families, schools, communities, law enforcement and other agencies, while providing the opportunity for delinquent youth to develop into responsible and productive citizens.

DJJ has direct management and administrative responsibilities over 32 J&DR court service units (CSUs), a Reception & Diagnostic Center, 7 Juvenile Correctional Centers (JCCs), 3 halfway houses and 1 juvenile detention center. (Virginia also has 3 locally operated, independent court service units.) In addition, DJJ provides partial financial support through block grant funding for 24 secure detention facilities. The agency also contracts for one private halfway house.

J&DR Court Service Units

Each J&DR Court is served by a court service unit (CSU) that handles both juvenile and domestic relations cases. In addition to the 32 CSUs operated by DJJ, 3 additional CSUs function as locally operated entities. CSU juvenile services include intake, screening, diversion, placement, pre- and post-adjudicatory case management, supervision, parole planning and coordination and a variety of specialized services. In addition, domestic relations services include intake and supervision, custody investigations, referrals, and mediation and domestic violence case management, supervision, and counseling.

CSUs employ a variety of staffing patterns determined partially in response to jurisdictional population and partially in response to special programs within each jurisdiction. Larger population areas tend to have larger units with staff specialized by function such as intake, probation, and intensive supervision. In less populated jurisdictions, staff function as generalists, fulfilling all aspects necessary to the individual case.

Court Intake

All J&DR court districts are directed by the *Code* to provide intake services for juveniles and for domestic relations matters. Intake functions mandated by the *Code* require that each local CSU receive, review, and process complaints, determine whether a petition should be filed with the court, establish whether to release or detain youth, and provide services to youth and families including diversion and referral to other community resources.

Intake must be available 24 hours per day. Local court services vary in their staffing, services and coverage systems. Some CSUs have staff available 16 hours per day during the workweek, and have intake workers on call by pager after the normal workday and on weekends. Law enforcement personnel report that the lack of an intake worker on site at all hours causes delays and requires that the officers expend more time supervising youth while awaiting the arrival of the intake worker. In rural areas, intake officers must travel long distances when a face-to-face interview is needed for the detention of a youth. The *Code* was revised in 1996 to allow the option of intake by use of two-way electronic video and audio communication as an alternative to a personal appearance before an intake officer. Necessary documents may be transmitted by facsimile. Legislation passed in 2002 permitted a chief judge from one judicial district to enter into an agreement with another chief judge for a replacement intake officer to ensure the capability of a prompt response for matters involving detention orders and intake petitions during hours that the court is not open⁴. These expansions of the required intake procedure help to address some of the logistical problems faced by intake and law enforcement officers in rural areas.

The scope of services available to intake workers varies across the state. The nature of local juvenile crime, judicial philosophy, and availability of resources

⁴ Code of Virginia, §§ 16.1-255, 16.1-260.

impact intake services and contribute to jurisdictional variations in both the development of services and the reliance upon the use of informal adjustments (diversion) and alternative services for youth.

Community Diversion

By *Code*⁵, one of the options of intake services is to divert youth from formal court action if the juvenile has not been before intake previously; all subsequent complaints against the juvenile must be petitioned. An intake officer must file a petition and initiate formal court action for a juvenile alleged to have committed a violent juvenile felony. If a juvenile is alleged to have committed a non-violent felony, or is alleged to be a *Child in Need of Services* or a *Child in Need of Supervision*, the intake officer may proceed informally one time. Upon the second petition alleging a non-violent juvenile felony, the intake officer must initiate formal court action. However, for all other lesser offenses (all misdemeanors, CHINS, and CHINSup offenses), the intake officer maintains discretion to determine whether or not the juvenile should be informally diverted or a petition filed and formal court proceedings initiated.

Depending on the youth's and/or family's circumstances and the nature of the complaint, the intake worker can initiate an informal adjustment, whereby actions are taken in lieu of filing a petition to the court. When a case is petitioned, it may be formally diverted by a judge prior to disposition. Both informal processing and diversion may involve voluntary participation in some type of court supervision and service programs. Informal processing and court diversion may be accomplished through program referral within the CSU or through other community-based alternatives.

Depending on size, CSUs may have specialized intake units that manage youths who are informally supervised or who are diverted. Small group approaches such as law-related education, substance abuse classes, and special groups for shoplifters are typical of the variety of services available. Some jurisdictions also refer youth and their families to specialized family counseling units, and to a wide range of other programs including community service, restitution, mediation, individual counseling and family counseling. Other CSUs have developed working agreements with local social service agencies for diversion services. Services such as employment, individual counseling, family counseling, diagnostic screening and educational services are available to intake in many jurisdictions. However, many jurisdictions report that access to such services is very limited.

Pre-Dispositional Alternatives

For juveniles who are not diverted from the system and require court processing, the court service unit's intake officer must determine who will supervise the child prior to the court hearing. In many instances the child is released under the supervision of his or her parent or guardian. When the parent or guardian is not

⁵ Code of Virginia, §16.1-260(B)

available or appropriate, an alternate placement must be identified. Alternative placements are determined by using the least restrictive setting as a guide. The placement options available to an intake officer depend on many factors, including the nature of the instant offense, the child's age, the youth's behavior during the intake process, the number and nature of prior offenses, whether the youth is currently on probation, the parent's willingness to assume supervision, the child's potential to harm himself or herself, the danger the child presents to the community and the availability of alternative placements in the community. To ensure the presence of the child at court proceedings, and/or to protect the public or the child, it is occasionally necessary to detain some children in secure settings.

In November 2002, DJJ instituted a structured Detention Assessment Instrument to guide the decision to detain. Development of this instrument was supported by a DCJS JAIBG grant.

The following is an inventory of some of the pre-dispositional alternatives available in Virginia. As indicated previously, these services represent a mix of state, local, and privately funded programs. They are generally listed from the least restrictive to the most restrictive environment.

1. ***Release to Parental Custody.*** The youth returns to the home of his or her parent(s)/guardian(s) while awaiting the court hearing. The parent or guardian assumes responsibility for the child's appearance in court. The youth generally resumes his or her normal daily routine (for example, school, sports, and social activities) with whatever restrictions are imposed as a result of the intake hearing.
2. ***Family Preservation Programs.*** These are private programs designed to provide intense intervention services to a family to prevent the removal of a child from the home, or to reintegrate a child back into the home after a period of confinement.
3. ***Family Shelter Care.*** The youth is placed with a family other than his or her own during the pre-disposition period. Typically, these placements are made close to the child's home community so that disruption to the child's daily routine is minimal. In Virginia, these shelters typically are called Family Oriented Group Homes.
4. ***Crisis Shelter.*** These are coeducational facilities providing a home-like environment with 24-hour staff supervision. Assessment, counseling, recreation, and other support services are provided. There are nine crisis shelters in the State. Although the average length of stay is brief, placement in a crisis shelter frequently entails a temporary interruption in the child's education.
5. ***Outreach Detention/Intensive Supervision.*** These programs provide intensive supervision while the youth resides at his or her own or a surrogate home. Each week, a minimum of four face-to-face contacts with a counselor occurs. Some localities have access to a more

intensive "House Arrest" model incorporating electronic monitoring of pre-dispositional youth.

6. **Electronic Monitoring.** This is an electronic method of supervising juveniles either pre- or post-adjudication. It is sometimes used post-commitment when a child is returning home from an out-of-home placement. It is an effective way of monitoring compliance with a curfew imposed on a child adjudicated delinquent or as a way to curtail the activities of a chronic runaway. The juvenile wears a transmitter around his or her ankle that sends a signal to a monitoring facility to ensure that a child is at his or her designated place. The signal is transmitted through either a telephone or a radio.
7. **Less-Secure Shelter Homes.** These homes provide custodial group living arrangements pending the youth's appearance in court. The primary function of such a placement is to provide a less restrictive alternative to secure detention for youth who do not pose a security or safety risk, but who do require a high level of supervision. Many localities operate a variety of other "staff secure" residential placements for this purpose. This is also an option for status offenders.
8. **Secure Detention.** Secure detention homes are community-based, physically restricting, residential programs. There are 25 secure detention facilities in the State providing services for both pre- and post-dispositional youth. A locked environment and constant sight and sound supervision serve to restrict the youth's activities. Services provided in secure detention include education, emergency medical services, recreation, and provisions for parent/guardian visitations. Children classified as CHINS can be held in secure detention after an arrest for up to 24 hours prior to and 24 hours after an initial court hearing, excluding weekends and holidays. An adjudicated juvenile status offender accused of violating a valid court order must have a probable cause hearing within 24 hours and a violation hearing within 72 hours of being placed in detention. The maximum sentence for violating a court order is 10 days.
9. **Jails and Lock-ups.** Jails are locally operated, physically restricting, locked facilities that provide services tailored to adults. Twenty-one jails are certified to hold juveniles. Juvenile offenders, by federal and State law, must be separated by sight and sound from adults housed in the same facility. Placement of delinquent youth in jail while awaiting disposition is guided by §16.1-249.

Post-Dispositional Services

An adjudicatory hearing is held to determine whether or not the juvenile committed the alleged offense. Once a child has been adjudicated delinquent, the case moves to the next phase, disposition. Sometimes the disposition hearing is held at the same time as the adjudicatory hearing, but at other times

the procedure is bifurcated. In those instances when a judge wants further information prior to disposition, the judge asks the court service unit to prepare a Social History for consideration in formulating a dispositional order. The court may release the child to the custody of his or her parents with conditions of release, including a term of probation. The court may also order a youth into the custody of the State Department of Juvenile Justice. The court service unit assumes the role of juvenile probation and/or parole officer with placement, supervision, and monitoring responsibilities.

Each locality develops a range of local services and programs for juvenile offenders. The *Code* requires a locality to establish a range of post-dispositional services prior to and as a condition of funding of secure facilities. Additionally, those localities receiving funding through the Virginia Juvenile Community Crime Control Act (VJCCCA) are required to submit a plan of their system of services which may be used for the provision of post-dispositional community based services.

The following is a listing of post-dispositional alternatives in the *Code of Virginia* for delinquent youth, presented generally from least to most restrictive alternative. This is not intended as an exhaustive list detailing every option available but as representative of various rehabilitative programs and options most commonly available.

1. ***Order the Youth and/or Family Members to Receive Needed Community-Based Service(s).*** The court may order the youth and his or her parent(s) or guardian(s) to participate in and cooperate with available community-based programs and treatment services such as individual and family counseling and/or therapy.
2. ***Release to Parental Custody Subject to Limitations Imposed by the Court.*** The youth can be released to the custody of his or her parents subject to special conditions or requirements of the court. Special conditions may include good behavior, requirements for regular school attendance, or participation in counseling or other community-based programs with or without court supervision.
3. ***Place the Youth on Probation.*** The youth is assigned a probation officer/counselor to whom he or she must report regularly regarding compliance with probation rules. These rules usually include but are not limited to setting of curfew, restriction on persons with whom the child may associate, school attendance and obeying all laws. Treatment plans are developed by the counselor in concert with the juvenile and his or her family. They reflect the service needs of the probationer concerning his or her family, adjustment in the community, and school involvement. Examples of services provided include: investigation and diagnostic units, intensive supervision, high risk drug programs, community service, special programs (i.e., conservation, bicycling), wilderness programs, domestic violence programs, mediation, restitution, law-related education, family and group

counseling, mental/psychological evaluations, education or tutorial programs, and volunteer programs. The treatment plan also stipulates the frequency of contacts that the youth is to maintain with the probation officer.

4. ***Defer Disposition.*** Several alternatives are available to defer the child's case. The court can impose a disposition and defer finding of guilt pending the successful completion of the disposition. If the child completes the terms of his or her probation successfully, the court will discharge the child and dismiss the proceedings against him or her without a delinquent adjudication. Alternatively, the court may defer the disposition and, after a specified time, the charge may be dismissed by the judge if the child has shown good behavior. In either instance, the court establishes a specified period of deferral based on the gravity of the offense and the child's history.
5. ***Monetary Fine.*** A fine of up to \$500 may be imposed on the youth.
6. ***Suspend the Motor Vehicle Operator's License.*** A juvenile's motor vehicle license may be suspended for a period of time.
7. ***Require Restitution.*** The youth may be required to repay actual damages when his or her offense has been against the property of others. This can be monetary restitution or restitution in the form of participation in a public service project, as authorized by the *Code*.
8. ***Order Community Service.*** Juveniles work without pay, typically in a governmental or non-profit agency as symbolic, rather than monetary, restitution.
9. ***Impose Adult Penalties.*** Juveniles who have committed traffic offenses may have any penalty authorized for adults imposed upon them; however, confinement in jail would be subject to special conditions.
10. ***Order Participation in Day Reporting Center.*** Pilot projects have been implemented for this community alternative for juveniles whose next step would involve placement in a group home. A Day Reporting Center provides supervision to serious and chronic juvenile offenders during the hours they are most often without parental supervision and most likely to commit crimes, that is, the hours after school until early evening. Services such as tutoring, vocational counseling and substance abuse counseling can be provided.
11. ***Community Confinement.*** A child for whom community confinement is ordered is placed in a non-secure, small, community-based facility that offers intensive treatment and rehabilitation services. Services available typically include individual and group counseling, educational programs and medical services. Intensive staff supervision is characteristic in such a setting.

12. **Transfer Custody.** Custody of a juvenile may be transferred to a relative, guardian, child welfare agency or the local Department of Social Services.
13. **Placement in a Secure Detention Facility.** Section 16.1-284.1(A) of the Code permits detention sentencing whereby a youth may be placed in a secure detention facility for a determinate period of time. Adjudicated status offenders and non-offenders cannot be held in secure detention.

A first-time juvenile offender who is 14 years or older and found to have committed an offense which, if committed by an adult would be punishable by confinement in a state or local correctional facility, may be placed in a secure detention facility for up to thirty days. Code Section 16.1-284.1 allows the court to sentence juvenile offenders to secure detention for up to six months. Such confinements are subject to mandatory review hearings by the court at least once during each thirty-day period of confinement. Such youth must have treatment plans that may include outside activities such as attending school during the day while remaining in detention at night. The court may release the youth from confinement at any time subject to a period of probation. Juveniles are ineligible for placement in a post-dispositional detention program if they have been adjudicated delinquent of a violent felony, convicted of a violent felony, or released from the custody of the Department of Juvenile Justice within the past 18 months.
14. **Commit the Child to the State Department of Juvenile Justice.** Custody of the juvenile is transferred to DJJ. No child younger than *eleven* may be committed to DJJ. To be committed to a juvenile correctional center, a juvenile must be adjudicated delinquent or convicted of a felony offense, a Class 1 misdemeanor and a prior felony, or four Class 1 misdemeanors. Youth 14 years of age or older adjudicated on an offense that would be a felony if committed by an adult and which is punishable by a term of confinement of twenty years or more if the felony was committed by an adult, may be held at a State JCC not to exceed seven years or the juvenile's twenty-first birthday, whichever comes first (§ 16.1-285.1).
15. **Commit the Child to the State Department of Corrections.** Under Code §16.1-272 judges have the option of sentencing wards convicted in circuit court to serve all or part of their sentence at the Department of Corrections.

Juvenile Correctional Centers

When a judge determines that community-based programs and probationary supervision are inappropriate for a juvenile adjudicated for four separate instances of a Class 1 misdemeanor, one Class 1 misdemeanor if there is a prior felony, or a felony offense, the judge may commit the youth to the DJJ.

Upon commitment to DJJ, youth are placed at the Reception and Diagnostic Center (RDC) for assessment. Typically, a youth stays at RDC for up to 30 days while he or she undergoes medical, educational/vocational, psychological, and behavioral evaluations. The outcome of this process is the determination of custody classification, length of stay, treatment needs, and placement. DJJ may place a youth committed to its care in one of the six state-operated juvenile correctional centers (JCCs) or, when appropriate, in a private residential program.

The JCCs provide minimum to maximum secure confinement for youth needing structured placements and a high level of supervision while receiving treatment services. These services include academic and vocational education, remedial tutoring, psychological and psychiatric treatment, substance abuse treatment, recreation, life skills training, and programs for independent living. The JCCs provide youth access to religious services, visitation, and volunteer activities, in addition to meeting their basic needs. One JCC serves developmentally disabled youth. Five JCCs have separate specialized residential programs for adolescent sex offenders. All females are currently placed in one facility. All JCCs are able to address the substance abuse and anger management needs of wards. JCCs range in size from 40 to 322 beds. All of the facilities except three are located in the Richmond area. The capacity of the JCCs was 1,091 as of December 2005.

DJJ has transitioned from making correctional center assignments based primarily on age and gender to making assignments based on such factors as custody, treatment needs, age, and size. Thus, JCCs are becoming more specialized in their programming and security measures. DJJ's length of stay system takes into account the youth's committing offense, prior history, chronicity level, and aggravating or mitigating circumstances. The principle benefit is that a reasonably consistent standard is used to determine each youth's term of commitment, and provides a realistic picture of a ward's anticipated stay in the system.

State-Operated Group Homes/Halfway Houses

Typically, referrals to state-operated halfway houses are made prior to release from JCCs. DJJ operates three halfway houses and contracts with one private provider for a total capacity of 43 beds.

These homes are designed to be independent living programs for three types of juveniles: youth who have no home placement, youth who will be on their own when released from JCCs, or youth who have been placed on parole and are having difficulty readjusting in the home of their parents or guardians. Each group home takes advantage of available community resources for their population. The homes provide residential services and case management, and instruct residents in independent living skills.

Parole

Parole services are provided by court service unit (CSU) staff. Planning for parole services is initiated when a youth is committed to State care. The

committing probation officer provides input to the Reception and Diagnostic Center's evaluation process and, within 30 days of a child's transfer to a JCC, an assigned parole officer meets with the juvenile, the JCC staff and correctional education staff to develop a comprehensive service plan. This plan addresses the child's treatment needs while at the JCC as well as the period of supervision following release.

Larger CSUs operate discrete parole units while smaller CSUs may assign an individual worker to manage the parole caseload or may assign probation counselors a mixed caseload of youth on probation and parole. The success of parole is affected by variations in local service continuums. Even in areas rich with community resources and services, staff involvement in the transition of youth back into their communities is frequently hampered by time constraints resulting from heavy caseloads and lack of coordination of services.

Enhancements to DJJ's parole services system focus on different levels of supervision based on the youth's risk of reoffending and emphasis on the "balanced approach" in planning for supervision.

Secure Detention

Currently, there are 25 secure detention facilities throughout the Commonwealth. These community-based, residential facilities provide temporary care for delinquents and alleged delinquents requiring secure custody pending court disposition or placement. Detention program components include educational instruction, medical screening, recreational activities, and parental or guardian visitation. Approximately 90 percent of placements are predispositional. Sections 16.1-284.1(A) and 16.1-284.1(B) of the *Code* provide for the use of detention as a postdispositional alternative to commitment in a juvenile correctional facility. Approximately 15 percent statewide detention capacity is dedicated for postdispositional use. Twelve of the facilities are locally operated, and 12 are run by commissions, political entities comprised of 3 or more localities. Culpeper Detention Home is the only state-operated detention facility in the Commonwealth.

DJJ has oversight responsibility for the operations of detention facilities through its certification process and six-month monitoring visits. DJJ ensures that facilities are meeting DJJ Board-Approved Standards through this monitoring process. DCJS monitors all secure detention facilities annually to ensure compliance with the federal Juvenile Justice and Delinquency Prevention Act and the *Code of Virginia*.

The State provides approximately 50% of the funding for detention construction and approximately 40% of operating costs on a utilization-based funding formula. Local appropriations and per diem payments provide the balance of these facilities' budgets. Localities that neither operate a local facility nor belong to a commission must purchase bed space, on a per diem basis, from neighboring localities. Detention capacity has almost tripled from FY94 (532 beds) through FY06 (1,446 beds). Detention utilization is currently around 71 percent.

Jail Services

Section 16.1-249 (B) of the *Code* prohibits the detention or confinement of a child in any jail or facility used for the detention of adult offenders or persons charged with a crime except in exceptional circumstances that are discussed in the *Compliance Monitoring* section of this document.

The State Board of Corrections has developed life, health and safety standards, with which jails and lockups must comply to be certified for operation. The Department of Corrections is responsible for certifying facilities holding juveniles. Each of the local and regional jails in the Commonwealth undergoes certification procedures every three years. Additionally, the *Code* now requires the Board of Corrections, in conjunction with the Board of Health, to arrange for at least one unannounced inspection annually.

During the course of a jail's certification procedure, a specific cell block or ward is designated as the juvenile unit, providing sight and sound separation from adult inmates. Maintaining separation standards often has the effect of excluding youths from those educational, recreational, and other treatment programs that exist for adults at the jail since juveniles cannot participate in such programs at the same time as adult inmates.

Currently, there are 21 jails and lockups that are certified to hold juveniles. Services provided to youth in the certified facilities vary widely. Some jails offer services that are limited to those required for certification, whereas others offer a wider array of services.

Deputy sheriffs and jail officers receive training through the state's system of regional training centers using performance-based objectives issued by the Department of Criminal Justice Services (DCJS). Included in this curriculum are specific objectives to be met dealing with the juvenile offender and the juvenile justice system, juvenile law, and the minimum standards required for handling and housing of juveniles. Proficiency with all objectives must be demonstrated for certification. In addition to the minimum proficiency standards, jailers and custodial officers must also complete a minimum of 24 hours of in-service training during each subsequent 2-year period. Of the 24 training hours required, four must be related to legal issues, and the other 20 can be on a variety of subjects. None of the 24 hours are required to be directed toward juvenile issues. If any changes in the minimum standards for handling juveniles arise, the trainers incorporate these changes in their curriculum.

Non-Delinquent Youth in Need of Services

Primarily, this discussion has dealt with the juvenile justice system as it interacts with children alleged to have committed delinquent acts. As indicated earlier in discussing the jurisdiction of the juvenile (J&DR) court, children with other needs are also served through the justice system.

The *Code of Virginia*, §16.1-228 defines children who are abused or neglected, in need of services (CHINS) and in need of supervision (CHINSup). These definitions will be described further in this section.

Abused, Neglected, Abandoned Child

When children are found to be abused or neglected and intervention is required, the child welfare system takes over. Virginia's system underwent the federal Child and Family Services Review and has developed improvement plans to enhance services to at-risk children, including protective services, foster care and adoption.

Section 63.2-100 of the *Code* limits the definition of abuse and neglect to acts involving a child who is less than 18 years of age whose parents or other person responsible for his or her care abuses, neglects, or abandons the child; commits or allows to be committed any act of sexual exploitation; or is unreasonably absent or mentally or physically incapable of providing parental care.

In 1975, the General Assembly entrusted child protective services to the Virginia Department of Social Services (VDSS). Child Protective Service (CPS) units are State supervised and locally administered. Each of the 120 local departments of social services is responsible for responding to abuse or neglect complaints, providing or arranging services for the child and/or family and providing temporary substitute care when needed to ensure the safety of the child. Reports of child maltreatment may be made directly to a local department or to a statewide toll-free hotline that is staffed on a 24-hour basis.

Under Section 63.2-1503(D) of the *Code*, CPS is required to report to the Commonwealth's Attorney and to local law enforcement clearly defined instances of suspected abuse and neglect. These are primarily cases of suspected abuse or neglect that are of a specified level of seriousness. The Commonwealth's Attorney reviews the case and determines whether or not to prosecute the alleged offender. Law enforcement personnel also have the authority to file charges directly. In those instances, the cases are referred to the Commonwealth's Attorney for prosecution.

With the goal of allowing a child to remain in the stability of his or her home unless there is immediate concern for the child's safety, the differential response system (DRS) was implemented statewide during the 2002-04 biennium. It allows alternatives to removal from the home. It permits an investigator to respond to a valid claim of child maltreatment through either an investigation or a family assessment. Prior to DRS, every valid claim of abuse required an investigation - causing undue intrusion and stress on the family structure even when there was no immediate concern for child safety. Under DRS, formal investigations are reserved for the most serious instances of abuse.

Taking into consideration the severity of the report, family assessments now are conducted in nearly 55 percent of child abuse and neglect reports. Through assessments, families are provided with the services they need to prevent child abuse and neglect, and child and safety needs are met in a proactive way.

A structured decision-making model also is being implemented throughout the state that will improve consistency and structure in the judgments of social workers. Resources are provided to families most at risk.

The list of mandated reporters of child abuse and neglect was also expanded during the 2002-04 biennium to include teachers and other professionals. VDSS developed online training on signs of abuse for teachers. In just three months after implementation of the online training, more than 10,000 teachers completed training. In addition, a curriculum was developed for new teachers entering the workforce so they are aware of signs of abuse and their role as mandated reporters.

Child In Need Of Services (CHINS)

A child in need of services (CHINS) is defined in the *Code* (§ 16.1-228) as “(i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person”. To meet the definition of CHINS, there must be a clear and substantial danger to the child's life or health or to the life or health of another person.

The local CSU is responsible for filing a CHINS petition with the court. The distinction between an abuse or neglect case and a CHINS case is often a subtle one determined partially by the behavior of the child and/or family members, partially by the availability of services in the community, and partially by the service philosophies of the local agencies. Full implementation of the Comprehensive Services Act (see description in Service Network section) is expected to help resolve these issues by generating a commonly accepted community-wide service philosophy and a more comprehensive and coordinated service delivery system.

If a child is found to be in need of services, the juvenile court or the circuit court may make any of a number of dispositional orders for the "supervision, care and rehabilitation of the child." (*Code* § 16.1-278.4). The judge has discretion to:

- Order the cooperation of agencies in the community in providing services.
- Permit the child to remain with his or her parent or legal custodian, with conditions or limitations.
- Order the parent with whom the child is living to participate in services or treatment or abide by conditions or limitations imposed by the court.
- Relieve a child 14 years or older from compliance with compulsory education, if the court decides that the child cannot benefit from school, and authorize the child to work as long as the employment is not deemed to be hazardous to anyone under the age of eighteen.
- Transfer legal custody to any of the following:
 - a relative or other individual,

- a licensed or authorized child welfare agency, or
- a local welfare board/social service department.
- Require the child to participate in a public service project.

Child In Need Of Supervision (CHINSup)

A child in need of supervision is defined as one who is habitually truant or runaway (*Code* §16.1-228).

If the child is found to be in need of supervision, *Code* §16.1-278.5 requires that the court refer the child to a community interdisciplinary team (see section on Comprehensive Community-Based Services) for an evaluation of the child's service needs prior to issuing a final disposition. The report of that team shall be filed with the court. The court may make any of the following orders:

- Require the cooperation of agencies in the community in providing services.
- Place the child on probation with conditions.
- Order the child and/or parents to participate in programs, cooperate in treatment or abide by conditions.
- Require the child to participate in a public service project.
- Order the parent to participate in programs or treatment for the child or parent and, if the parent fails to comply, impose a fine of up to \$100 for each day of noncompliance with the court order.
- Impose a fine or other consequences, including charging with a Class 1 misdemeanor, on parents found to be in violation of the court's order concerning compulsory school attendance.

Section 22.1-258 of the Code of Virginia requires the school system to develop an intervention plan for any student who is absent without parental knowledge. This legislation requires parental notification and involvement in the planning phase of how to address the needs of the child. The legislation also requires that upon the next unexcused absence following the meeting designed to remedy the issue around the child's absence, a petition must be filed in the juvenile and domestic relations district court either against the child pursuant to section 16.1-228 of the *Code of Virginia*, or against the parent(s) pursuant to section 22.1-254.

Valid Court Order

Sections 16.1-291 and 16.1-292.E (2) of the *Code* provides that a child who has been found to be a child in need of supervision (CHINSup), may be placed in a secure juvenile detention facility for violation of the court's order of disposition⁶.

⁶ Sections 16.1-291 and 16.1-292 currently conflict concerning the age at which a juvenile found to be CHINSup may be incarcerated for violating his or her conditions of probation. Section 16.1-291 restricts this option to a child aged 14 or older; §16.1-292 has no age restriction.

Such placement may be made if the court finds that placement in a foster care home, group home, or other non-secure facility is not likely to meet the child's service needs and that all other treatment options in the community have been exhausted. The period of detention may not exceed 10 consecutive days during which time the community interdisciplinary team is reconvened for the purpose of developing further treatment plans covering the period during and/or following the child's detention. Intake officers have discretionary authority, within established guidelines, to file a petition on a juvenile. In a case where a petition is filed, this authority extends to decisions made concerning the child's placement while awaiting the court hearing.

Status Offender

Section 16.1-278.6 of the *Code* indicates that if a child is alleged to be a status offender, i.e., has committed an act which is prohibited but which would not be a crime if committed by an adult, the juvenile court or the circuit court may make any order of disposition as authorized for a child in need of services (16.1-278.4).

Serious or Habitual Offender Comprehensive Action Program (SHOCAP)

The SHOCAP program is a cooperative information-sharing and case management program designed to enable agencies that serve juveniles to share information about serious or habitual juvenile offenders so that comprehensive, coordinated services can be provided for the juveniles and the community can be protected from serious juvenile crime.

Virginia *Code* §16.1-330.1 defines a serious or habitual offender as a minor who has been:

- adjudicated delinquent or convicted of murder or attempted murder, armed robbery, any felony sexual assault or malicious wounding or a felony violation of a gang-related crime pursuant to Article 2.1 (§ [18.2-46.1](#) et seq.) of Chapter 4 of Title 18.2, or
- convicted at least three times for offenses that would be felonies or Class 1 misdemeanors if committed by an adult.

Qualifying convictions or adjudications include only those for offenses that occur after July 1, 1993. Juveniles under SHOCAP supervision at their eighteenth birthday, and who have been committed to State care under §16.1-278.8 or §16.1-285.1, may continue to be supervised by SHOCAP until their twenty-first birthday.

Participation in SHOCAP by localities is voluntary. The SHOCAP program must be established by an ordinance of a local government body by which a SHOCAP Committee is created.

Offices on Youth

The Offices on Youth, authorized under the Delinquency Prevention and Youth Development Act, are a statewide network of offices formed to ensure that better services and coordination of services are provided to children and youth. The Offices assess the needs of children and youth in the community and seek ways to meet those needs, either by creating programs where none exist or by using existing programs. One goal is to change conditions in the community that create problems for youth, thereby preventing delinquency and reducing recidivism. The State funds that were dedicated toward Offices on Youth were eliminated in 2002. Many localities kept their offices open using local or other funds.

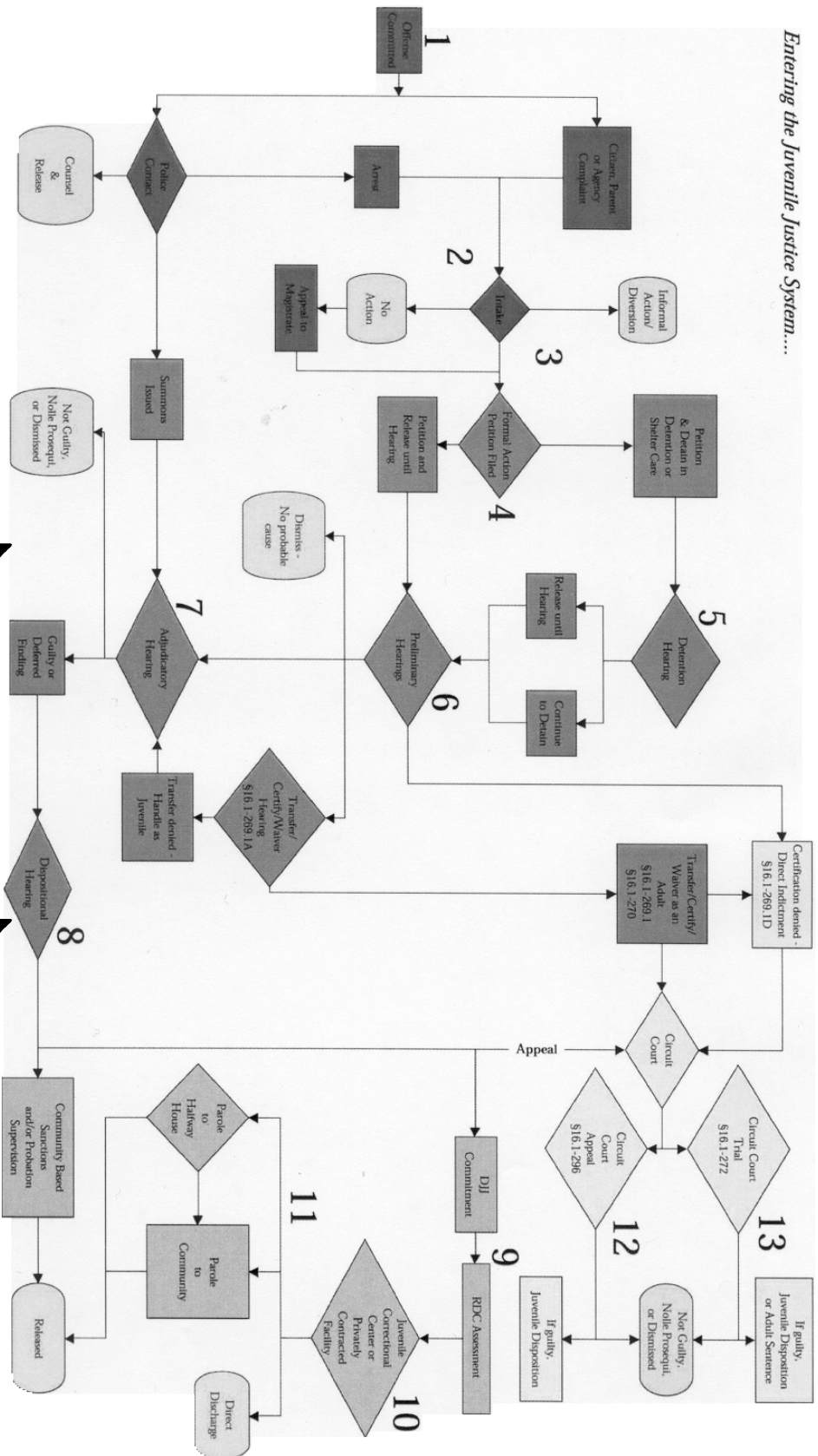
The size and specific tasks performed by the Offices on Youth vary from locality to locality. Some of the Offices are involved in most activities and programs in the community that deal with children, while others do not have such broad exposure. Some of the Offices have undertaken the administrative tasks under the Comprehensive Services Act and the Virginia Juvenile Community Crime Control Act in addition to the creation and assistance in implementation of programs for the local CSUs.

When State funds were involved, the Department of Juvenile Justice was responsible for funding and oversight of these offices. They performed certification audits every third year, monitored their budgets, and provided on-going technical assistance when needed. They continue to provide periodic communication with the offices. There were 42 Offices on Youth in operation before funding was eliminated; 34 remain open with local funds. Although a large portion of their work is geared toward preventing involvement with the courts, many of the annual work plan objectives of each of the Offices on Youth focus on children in the juvenile justice system.

**B. VIRGINIA'S JUVENILE JUSTICE SYSTEM:
SYSTEM FLOW**

SYSTEM FLOW

Entering the Juvenile Justice System....



Source: Department of Juvenile Justice

STEPS IN THE JUVENILE JUSTICE SYSTEM

1. The juvenile enters the system when an offense is committed and reported by a parent, citizen, agency complaint, or the police.
2. If the juvenile entered the system through police contact, a decision is made whether to counsel and release the youth back to the community or to arrest. If a parent, citizen, or agency made the complaint, then the complaint goes to intake.
3. An intake officer at the court service unit makes the decision whether to take informal action such as crisis-shelter care, detention outreach, or counseling; to take no action; or to file a petition. In some cases, a police officer or the original complainant will appeal to the magistrate if they disagree with the intake officer's decision. The magistrate must certify the charge and the matter is returned to intake to file a petition.
4. Once a petition has been filed, an intake officer decides if the juvenile should be detained or released to his or her parents/guardians. The decision is based on the juvenile's risk to self, community, or flight.
5. If the decision is made to detain the juvenile, a detention hearing is held within 72 hours in the Juvenile and Domestic Relations District Court to determine the need for further detention and examine the merits of the charges.
6. A preliminary hearing is held to ensure that the case has enough merit to carry it to trial. Issues of competency, insanity, subpoenas, and witnesses are also addressed. If no probable cause exists, the case is dismissed. If cause is determined then the case moves to the adjudicatory hearing. Also during this phase the court addresses issues of transfers and waivers. If certification is ordered or a direct indictment issued, the case goes to the circuit court (see sections 12-13).
7. Innocence or guilt is determined at the adjudicatory hearing. Witnesses and testimony are presented similar to an adult trial. If found not guilty, the case is dismissed. If found guilty, a dispositional hearing is held.
8. At the dispositional hearing, the pre-disposition report (social history) is used to assist in selecting appropriate sanctions and services. The court decides if the juvenile will be committed to DJJ or face community sanctions such as warnings, restitutions, or fines. A conditional disposition may be imposed such as probation, which includes participation in CSU programs, referral to local services or facilities, to other agencies, to private or boot camp placement, or to post-dispositional detention. Once the requirements have been met, the juvenile is released by the court.
9. If committed to DJJ, the juvenile must undergo psychological, educational, social, and medical evaluations conducted at RDC.
10. From RDC, the juvenile may go to a privately operated residential facility or a

juvenile correctional center (JCC). At the JCC, a committed juvenile receives 24-hour supervision, education, treatment services, recreational services, and a variety of special programs.

11. After completion of the commitment period, a juvenile may be placed on parole or directly released. During parole, the juvenile transitions to the community through agency program efforts and is afforded local services. Some juveniles may need 24-hour residential care and treatment services provided by a halfway house. Upon completion of parole or entry into the adult criminal justice system, the youth is discharged from the system.
12. (Appeals Process and Circuit Court Cases) A case may be sent into the appeals process following the dispositional hearing. After presentation to the circuit court, the case is reconsidered and the issue of guilt is examined. If the juvenile is found not guilty, the case is dismissed. If found guilty, the circuit court judge administers an appropriate juvenile disposition.
13. If the circuit court received the case through a direct indictment, a trial will take place. If found not guilty, the case is dismissed. If found guilty, the judge will decide whether to render a juvenile disposition or an adult sentence.

C. VIRGINIA'S JUVENILE JUSTICE SYSTEM: SERVICE NETWORK

Many of the youth engaged in the formal juvenile justice system have social histories and behaviors that require the involvement of multiple agencies. Coordination of services among agencies is important to effective service planning. The agencies and providers described in this section provide either funding or direct service to youth before, during, or after a youth's involvement with the juvenile justice system. Services provided through the formal juvenile justice system, described in a separate *Structure and Function* section of this document, are not repeated in this *Service Network* discussion.

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Through the administration of the Juvenile Justice and Delinquency Prevention (JJDP) Act funds, seed money is allocated to localities and state agencies to support training, technical assistance, research, systems analysis and projects which assist the State's juvenile justice reform and delinquency prevention initiatives. In addition, Department of Criminal Justice Services (DCJS) staff provides technical assistance in program development and evaluation to projects serving youth along all points of the juvenile justice continuum.

Activities of DCJS that serve a variety of state and local service efforts include policy and program planning, law enforcement training, and research as well as the provision of workshops and conferences for juvenile justice system professionals from around the State.

Juvenile Services Section

The DCJS Juvenile Services Section is involved in planning, policy development, and funding of juvenile justice and delinquency prevention initiatives provided through federal or state resources. Section staff provide coordination, program support, technical assistance, training, and monitoring of programs designed to address juvenile justice system improvement and delinquency prevention and programs to improve the investigation, prosecution, and administrative and judicial handling of child abuse cases.

The Juvenile Services Section administers grants under the Juvenile Justice and Delinquency Prevention (JJDP) Act to localities and state agencies. These include Title II formula grants, Title V Delinquency Prevention grants, and Title II, Part E Challenge funds. The section also administers the Juvenile Accountability Block grant (JABG) program which was first established in the 1998 federal Appropriations Act. These four grant programs are overseen by the Advisory Committee on Juvenile Justice. Information about all grants overseen by the Advisory Committee is contained in their Annual Reports which are available online at <http://www.dcjs.org/juvenile> (choose Publications and Reports). The

Section also has responsibility for some grants funded under the new Juvenile Assistance Grant (JAG) Program.

The Section has responsibility for two child welfare programs that are designed to improve the processing of court cases for children. Training provided to local professionals under the Children's Justice Act is designed to reduce trauma to child victims. Technical assistance and training is provided to local Court Appointed Special Advocate (CASA) programs, which provide trained volunteers to advocate for abused and neglected children who are before the courts. These two programs are overseen by the CASA/CJA Advisory Committee.

Title II Formula Grants

Title II funds are allocated to states based on their youth population under aged 18. To receive funds, states must be in compliance with the four core requirements of the Juvenile Justice and Delinquency Prevention Act: deinstitutionalization of status offenders, sight and sound separation of juvenile and adult offenders, removal of juveniles from adult jails and lockups, and addressing disproportionate minority contact in the juvenile justice system. Title II funds may be awarded to local units of government or state agencies.

After two years, community participation in funding is encouraged. Title II funds are available for a maximum of 5 years per program. In FY2005, grant funds were awarded to 20 localities. One additional grant was provided for the evaluation of the Young Juvenile Offenders Initiative.

Information about 2006 funding priorities, federal funding, and programming for Title II grants is contained in Sections II and III of this Plan.

Title V Prevention Grants

Title V of the JJDP Act provides a source of funds for states to award grants to communities for delinquency prevention and early intervention programs. Grantees must be in compliance with the four core requirements of the JJDP Act, have an approved comprehensive delinquency prevention plan, and provide a match, either cash or in-kind, of at least 50% of the federal dollars awarded. Localities are eligible for up to 36 months of Title V funding.

In FY2005, grant funds were awarded to 7 localities. Grants were designed to address needs identified in localities' Three-Year Comprehensive Community Delinquency Prevention Plans.

Juvenile Accountability Block Grants (JABG)

The Juvenile Accountability Block Grant (JABG) program was first established in the 1998 federal Appropriations Act. It is a federal block grant program designed to promote greater accountability in the juvenile justice system. This grant allows States to strengthen their policies, programs, and administrative systems that foster the creation of safe communities. The underlying supposition is that young people, their families, and the juvenile justice system must be accountable for improving the quality of life in every community.

States and units of local government eligible for receiving JABG funding must establish a planning body, a Juvenile Crime Enforcement Coalition (JCEC). The DCJS has delegated this responsibility to the Virginia Advisory Committee on Juvenile Justice.

Like Title II funds, JABG funds are allocated to states based on their youth population under aged 18. JABG funds may be awarded to local units of government or state agencies. Most funds are distributed directly to units of local government on a formula basis. Localities must qualify for a \$10,000 minimum under the allocation formula to receive an award.

In Virginia, remaining funds are used for grants to state agencies or are directed specifically to rural localities. In FY2005, grant funds were awarded to 24 localities and 3 state agencies.

Byrne Memorial Funds/New Justice Assistance Grant Program

A new Justice Assistance Grant (JAG) Program has replaced the Edward Byrne Formula Grant Program and the Local Law Enforcement Block Grant (LLEBG) Program. The JAG Program is, essentially, a hybrid of Byrne and LLEBG. A portion (40%) of each year's JAG funds is distributed to local governments based on their index crime rates, the same method used for distributing LLEBG funds. The remaining 60% of JAG funds is distributed to the states, based on their relative populations, the method used in Byrne. The states may use their JAG funds to make grants to localities and state agencies, as they have with Byrne funds.

JAG funds may be used for law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections; drug treatment; and planning, evaluation and technology improvements. In short, the funds can be used for anything that could be funded through the two outgoing programs.

The Juvenile Services Section oversees some grant programs funded through the new JAG program. The JAG/Byrne grants overseen by the Juvenile Services Section have typically gone to state agencies for statewide initiatives, including substance abuse assessment and treatment and, currently, gang curriculum development and implementation in juvenile correctional centers.

Additionally, DCJS is administering the allocation of \$3 million in discretionary Byrne funding to 32 state and local entities to combat gang activity throughout Virginia. The award recipients were designated by a committee composed of representatives of the Virginia Sheriffs' Association, the Virginia Association of Chiefs of Police, the Virginia Association of Commonwealth's Attorneys, the Office of the Attorney General, the Secretary of Public Safety, the Secretary of Education, and the Secretary of Health and Human Resources. All Sheriff's and Police Departments, as well as several state agencies, were invited to submit proposals for the committee's consideration. The committee based its selection on numerous criteria, including potential for regional or statewide application, evidence of collaboration among stakeholders, and relevance to the state gang

problem. Approximately a dozen projects are overseen by the Juvenile Services Section.

Children's Justice Act (CJA)

Federal Children's Justice Act funds have been awarded to the Commonwealth of Virginia since 1990. Funds are used for programs and initiatives that improve the investigation, prosecution and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, in a manner that limits additional trauma to the child victim. This also includes handling child fatality cases where child abuse or neglect is suspected. The Virginia program has focused on engaging localities in a multidisciplinary approach to such cases.

Over the past fifteen years, DCJS has worked with over seventy localities to develop interagency teams with written protocols clarifying professional responsibilities. The goal of this work is to ensure that teams are conducting investigations in a manner that reduces trauma to child victims and produces better outcomes for the professionals involved. In addition, four federal Department of Justice, Bureau of Justice Assistance grants have been obtained through collaboration with the Virginia State Police to provide equipment and technical assistance to local courts to increase the use of closed circuit two-way testimony of child witnesses. Staff also represents child and juvenile justice concerns on the State's Child Fatality Review Team. For further information, visit the DCJS Juvenile Services web site at <http://www.dcjs.org/juvenile> and choose Children's Justice Act.

Court Appointed Special Advocate Program

The Court Appointed Special Advocate (CASA) Program is a child advocacy organization that seeks to provide trained volunteers to speak for abused and neglected children who are the subjects of juvenile court proceedings. The CASA program is funded from the State's General Assembly, the Victims of Crime Act, local governments, foundations, United Way, and private donations. As of 2005, there were 28 locally operated CASA programs in Virginia. In FY 2004, 1408 CASA volunteers served 4,492 children. Those 1408 volunteers donated approximately 100,000 hours of work estimated to be worth about \$2 million⁷.

A CASA volunteer's duties include investigation of cases for the purpose of providing written independent factual data to the court, monitoring cases to assure compliance with court orders, assisting any appointed *guardian ad litem* in representing a child's needs and best interests, and reporting suspected incidents of child abuse and neglect. CASA programs are initiated, developed, and operated at the local level with regulatory and oversight monitoring by Juvenile Services Section, DCJS. For further information, visit the DCJS Juvenile Services web site at <http://www.dcjs.org/juvenile> and choose CASA.

⁷ The average hourly value of volunteer work is computed by the Virginia Employment Commission and published by the Department of Social Services on their web site at <http://www.dss.state.va.us/community/vovfacts.html>. In 2001, the value was \$19.77 per hour.

Correctional Services Section

Residential Substance Abuse Treatment (RSAT)

RSAT is a formula grant program that provides grant funds to the Virginia Department of Juvenile Justice to implement a residential substance abuse treatment program (RSAT) for female offenders at the Culpeper Juvenile Correctional Center. The program provides individual and group treatment activities. All offenders are tested for drugs on entering the program and randomly screened while they are in it. The program is housed in a separate facility used exclusively for it. Participation is limited to juveniles who are nearing the end of their term of confinement so that they can be released upon completion of the program. The program serves 15-20 female offenders at a time with about 40 completing the program at an annual cost of about \$180,000. Fiscal Year 2006 is the final year of the DCJS grant for this program.

Law Enforcement Services Section

Crime Prevention Center

The Crime Prevention Center, housed at DCJS, serves as a primary focal point for crime prevention activity in the Commonwealth. The Center provides leadership, policy development, training and technical assistance and conducts research on innovative crime prevention methods, ideas, and trends. As research indicates that many of the most effective crime prevention strategies are those directed at youth, the Crime Prevention Center participates in several initiatives directed at this population. Many of these programs involve a substantial number of law enforcement personnel. Examples are summarized below.

Serious Habitual Offender Comprehensive Action Program

The Serious Habitual Offender Comprehensive Action Program (SHOCAP)⁸ is a multidisciplinary interagency case management and information sharing system that enables the juvenile and criminal justice system, schools, mental health and social service agencies to make more informed decisions about juveniles who repeatedly commit serious criminal and delinquent acts. Each SHOCAP is required to supervise serious or habitual juvenile offenders in the community as well as those under probation or parole supervision and enhance current conduct control, supervision and treatment efforts to provide a more coordinated public safety approach to serious juvenile crime, increase the opportunity for success with juvenile offenders, and assist in the development of early intervention strategies.

⁸ Established by the General Assembly in the *Code of Virginia*, §16.1-330.1.

McGruff House Program

The 1993 General Assembly authorized the establishment of qualifying residences as McGruff Houses, in which the resident adults may provide temporary refuge to any child in immediate emotional or physical danger or in immediate fear of abuse or neglect.

In addition to these activities, many local sheriffs' offices and police departments are involved in other community and school-based programs such as school resource officers, Drug Abuse Resistance Education (DARE), law-related education and Police Athletic Leagues (PAL).

Virginia Center for School Safety

Created by statute in the 2000 session of the General Assembly, this primary prevention and intervention initiative supports local school districts and law enforcement agencies to develop and implement school safety programs through training, technical assistance, resource development and dissemination, and partnership building among state and local agencies and organizations. The Center is the primary source of training for most of Virginia's 550 school resource officers, 1000 school security officers and school districts. The Center certifies and develops training standards for School Security Officers who are non-sworn members of a school's security program. The 2005 General Assembly placed full responsibility for the development, implementation, and analysis of a mandatory and standardized safety audit for all schools in the Commonwealth with the Center. The Center prepares an annual report on these audits.

School Resource Officers

School Resource Officer (SRO) programs were developed in schools in response to the problem of school violence and other school-related crimes. Model SRO programs represent a community policing and crime prevention intervention in the school environment. An officer assigned to a school serves as a law enforcement officer, role model and resource teacher. SROs help to prevent violence by targeting high-risk students and introducing those students to a variety of intervention strategies including peer group mediation training, conflict resolution training, law-related education classes and a referral network of community resources. A 2004 study found that 149 Virginia law enforcement agencies have SRO programs.

DCJS collects data that reflect on the effectiveness of DCJS-funded SRO programs. The agency created the first statewide SRO task force to develop model policies, determine training needs, and establish information sharing between local programs.

VIRGINIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

In addition to its role as a business that generates revenue for the Commonwealth, the Department of Alcoholic Beverage Control (ABC) provides

alcohol prevention and education programs and acts as a law enforcement agency. ABC has eight regional offices and special field agents stationed throughout the Commonwealth. ABC provides numerous alcohol prevention projects designed to enhance public safety and law compliance within colleges and communities of the Commonwealth.

Office of Juvenile Justice and Delinquency Prevention Grant

The goal of the Office of Juvenile Justice and Delinquency Prevention grant to ABC is to provide programs and services to reduce underage drinking through environmental prevention strategies which include changing cultural norms, implementing new policies and laws, and enforcing current underage drinking laws. ABC was designated as the state agency responsible to coordinate and implement this OJJDP block grant.

Educational Tools for Licensed Establishments

The Virginia Responsible Servers and Sellers Program (RSVP) trains the sellers and servers of alcohol at licensed establishments about how to prevent sales to minors and intoxicated customers, how to spot fake IDs, and how to document alcohol-related incidents. The Managers Alcohol Responsibility Training (MART) will be re-introduced in the spring of 2006 to help managers learn effective ways to conduct business within ABC laws, rules and regulations. Each year, *Do Not Sell* stickers, available in both English and Spanish, are sent to each licensed establishment. A 20-minute video and training packet instructs managers and seller/servers on ABC laws. The training material is delivered to all licensees. Educational Summits will be held periodically on topics of concern for licensees.

Educational Materials

ABC develops educational materials that are offered free of charge to agencies and communities around the Commonwealth. Some of the topics include: *Truth and Consequences of Fake Ids*, *Blood Alcohol Content*, *Drinking and Driving Prevention*, *Virginia Alcohol Laws and Parental Responsibility* and a *Guide for Parents of First-Year College Students*. During the fall of 2005 the "Spring Break" brochure was introduced to address the issues associated with risky behavior during the spring. A Spanish poster focusing on this was developed as well. All of the brochures and pamphlets are available on the web site, Education and Prevention section, at www.abc.virginia.gov.

COMMISSION ON YOUTH

Although not part of the formal service network, the Commission on Youth, established by the General Assembly in 1989, is an important resource in the development of youth policy, system analysis and juvenile justice reform in the Commonwealth. The major purposes of the Commission are to study and make recommendations to the Governor and the General Assembly on services to

youth and their families and to provide a forum for continuing review and study of services for children and youth.

The Commission is composed of 12 members, six appointed by the Speaker of the House of Delegates from their membership, three appointed by the Privileges and Elections Committee of the Senate from their members, and three appointed by the Governor from the Commonwealth at large. For further information about the Commission on Youth, visit their web page at <http://coy.state.va.us>.

OFFICE OF COMPREHENSIVE SERVICES

The Comprehensive Services Act (CSA), enacted in 1992 and implemented in 1993, is a focal point for many of the services provided for and to children and families at risk. The intent of the legislation was “to create a collaborative system of services and funding that is child-centered, family-focused and community-based when addressing the strengths and needs of troubled and at-risk youths and their families”. The Office of Comprehensive Services (OCS) was established to serve as the administrative entity of the State Executive Council to ensure that decisions are implemented. Responsibilities include developing and recommending interagency program and fiscal policies that promote and support cooperation and collaboration, providing for certain training and technical assistance and serving as liaison to participating state agencies⁹. The purposes of the Comprehensive Services Act were to:

- Ensure services and funding consistent with the Commonwealth's policies of preserving families and providing appropriate services in the least restrictive environment, while protecting the welfare of children and maintaining the safety of the public.
- Identify and intervene early with young children and their families who are at risk of developing emotional or behavioral problems, or both due to environmental, physical, or psychological stress;
- Design and provide services that are responsive to the unique and diverse strengths and needs of troubled youths and families;
- Increase interagency collaboration and family involvement in service delivery and management;
- Encourage a public and private partnership in the delivery of services to troubled and at-risk youths and their families; and
- Provide communities flexibility in the use of funds and authorizing communities to make decisions and be accountable for providing services in concert with these purposes.

The Comprehensive Services Act (CSA) pooled funds from seven existing funding streams that were used generally to purchase residential and non-

⁹ Code of Virginia, § 2.2-2649

residential services for children. Since 1993, significant additional appropriations have been added to these existing funds.

A supervisory State Executive Council (SEC) is composed of the agency heads of the major child serving agencies--the Departments of Social Services, Education, Juvenile Justice, Medical Assistance Services, Health, and the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS), one member of the House of Delegates and one member of the Senate, as well as the Executive Secretary of the Supreme Court, a parent representative, two local government officials, a private provider, and the chair of the SLAT.

A State and Local Advisory Team (SLAT) is appointed by and reports to the SEC. Responsibilities include advising on interagency program and fiscal policies; advising state agencies and localities on certain training and technical assistance; and advising the SEC on the impacts of proposed policies, regulations and guidelines¹⁰. At the local level, Community Policy and Management Teams (CPMTs) are responsible for program implementation, policies and oversight. Local Family Assessment and Planning Teams (FAPTs) review cases, formulate individual case plans and assure case management. The FAPTs are appointed by and report to the CPMTs.

Two classifications of children may be served by CSA pool funds: mandated and non-mandated. The mandated group includes youth who qualify for foster care and/or certain special education services. Mandated populations derive from entitlements under state and federal law to provide services to foster care and special education populations by appropriated funds¹¹. The non-mandated group includes a targeted population previously served by Department of Juvenile Justice special placement funds and DMHMRSAS purchased beds for adolescents. Once mandated obligations were met in localities, there was often insufficient funding to meet the needs of non-mandated youth. To create opportunity to serve non-mandated youth, the SEC instituted a "protection level policy" which allows localities to protect a portion of funding for services to non-mandated youth.

CSA funds are distributed to localities on a formula basis as defined in the Appropriations Act.

Observations of expenditures and census results from the past 3 years include:

- Program year expenditures increased by \$ 37.6M from \$235.5M in FY2003 to \$273.1M in FY2005, a 16% increase.
- Overall program census has fluctuated from 15,564 children in FY2003 to 14,580 in FY 2004 to 16,272 in FY 2005.

¹⁰ Code of Virginia, § 2.2-5202.

¹¹ Code of Virginia, § 2.2-5211.C

- In FY2005, approximately 61% of the children served by the CSA were referred by the Department of Social Services, 20% by the Department of Education, 8% by the Department of Juvenile Justice, 4% by Community Service Boards and 7% from other referral sources.

THE DEPARTMENT OF CORRECTIONAL EDUCATION

The Department of Correctional Education (DCE) is a separate Executive Branch agency within the Commonwealth and operates as an independent school district with its own school board. Its mission is to fight crime through education. The agency operates eight schools specifically for youth located in Juvenile Correctional Centers (JCCs) and one school in the youth reception and diagnostic center, in addition to the schools in the adult facilities. Every youth committed to the state receives testing and educational assessment as part of the reception process, including comprehensive mandated special education evaluation services. All DCE academic and career and technical education teachers and principals are licensed and meet the endorsement standards established by the Virginia Department of Education.

The agency provides an array of services to the total JCC youth population: mandated elementary, middle, and secondary academic instruction, special education, GED, transition and life skills training, and career and technical education instruction in 19 different trade areas. Additionally, the agency administers SAT college preparation tests and assists those youth who wish to apply to colleges and universities. In DCE youth schools during the 2004-2005 school year, 107 youth passed the GED examination, 55 youth completed course requirements for a high school diploma and 344 career and technical education certificates were awarded.

To assist youth in the transition back to their community schools, all of the youth schools operate under a uniform curriculum and adhere to the State Board of Education's Standards of Quality, Accreditation and Learning, as do public schools. The services provided by DCE afford committed youth the opportunity to continue to expand their educational achievements. Additionally, the career and technical and life skills training offered prepare youth to obtain and retain employment upon returning to their communities.

A complete listing of services and programs offered through DCE can be found at the DCE web site, www.dce.virginia.gov.

DEPARTMENT OF EDUCATION

Although Virginia's school system is governed locally by 132 school boards, the Virginia Board of Education sets policy and establishes regulations for the operation of the public schools. The Department of Education's (DOE) goals are to maintain standards of high academic excellence, to implement a

comprehensive student assessment system, and to maintain public accountability for K-12 education. For further information about the Department of Education's programs and services, visit their web site at <http://www.doe.virginia.gov>.

DOE, as a member of the service network, has a number of programs that seek to address youth who are out of the education mainstream, such as those in the juvenile justice system. These programs attempt to help maintain safe schools and provide a school climate that is conducive to learning. Some of the programs and strategies include bully prevention, anger management, character education, and gang prevention. In addition, the DOE provides leadership and training that address the needs and issues related to truants, suspended and expelled youth, and youth transitioning from juvenile correctional facilities back to their enrolled schools.

Superintendent-Judges Liaison Committee

A Superintendent-Judges Liaison Committee seeks to maintain open lines of communication between local school superintendents and juvenile and domestic relations court judges. Meetings focus on issues of mutual concern such as records sharing between the court and schools and truancy reduction. Regional meetings are held periodically by the superintendents and judges within each region.

Inter-Agency Training

DOE participates with the Departments of Juvenile Justice, Correctional Education, and Social Services, and with the Comprehensive Services Act's State Executive Council to provide regional training for providers. The training has focused on improving school attendance and addressing truancy, understanding each other's agency policies and procedures, and inter-agency planning for youths in the community. In 2006, training will be directed toward collaborative implementation of the new re-enrollment regulations for students in the juvenile justice system who are transitioning back into the public schools.

DEPARTMENT OF HEALTH

The Virginia Department of Health (VDH) is the state's primary agency focusing on the prevention of disease and injury, promotion of healthy behavior, and protection of public health. Population-based services are delivered through the central office and 35 health districts and in partnership with other public and private entities. The Division of Child and Adolescent Health has primary responsibility for the core public health functions of assessment, policy development, and assurances to address the health status and health service needs of children and adolescents in Virginia. Other VDH program areas also play an important role in the juvenile justice service network. For FY 2006, VDH had approximately \$115 million available for maternal and child health services.

Prevention Services

VDH strives to prevent children and youth from entering the juvenile justice system by strengthening families and promoting optimal development of young children. The following VDH programs address risks to children.

Early Childhood Programs

Having a coordinated approach to supporting families with young children is critical to assuring that children are ready and able to learn when they start school. Such a coordinated approach requires parent involvement and strong partnerships among state agencies and their local extensions. VDH is leading the Virginia Early Childhood Comprehensive Systems project (VECCS) to create and implement a strategic plan for coordinated early childhood services statewide. To date VECCS has more than 100 public and private partners working together toward three outcomes: assured access to appropriate early childhood services; development of family-driven systems of care that are integrated at the state and local level; and education of the public and policymakers about the importance of early childhood systems that assure children are ready for school.

The Supplemental Nutrition Program for Women, Infants, and Children (WIC) serves families at or below 185 percent of the federal poverty level. Eligible pregnant women and children under the age of 5 receive nutrition education and support for purchasing nutritious foods with a goal of improved birth outcome and optimal infant and child development. The WIC program has been proven nationally to improve the well being of this high-risk population, and give children a better chance to start life as healthy as possible.

School Age and Adolescent Health

The health and well-being of adolescents is promoted through several initiatives. The Teen Pregnancy Prevention Initiative supports seven community-based projects designed to prevent teenage pregnancy through community development, education, social marketing and health services. Nineteen Better Beginnings Coalitions increase community awareness through public campaigns and programs to prevent adolescent pregnancy. The Abstinence Education Initiative seeks to reduce teenage sexual activity and promote sexual abstinence. Funds support five community-based abstinence education programs, a media campaign, information and referral services and education materials.

Home Visiting Programs

VDH collaborates with several home-visiting programs to strengthen families, promote optimal child development and assure that pregnant women and children receive health care services. These programs include the Resource Mothers Program, which uses community health workers to mentor pregnant and parenting teens and young adults. Recognizing that siblings and cousins of pregnant and parenting adolescents are at heightened risk for early sexual

activity, teenage pregnancy and school drop out, the Girls Empowered to Make Success (GEMS) program mentors non-pregnant, 9 to 15 year-old sisters or close relatives of participants in the Resource Mothers Program to promote positive youth development. Some health districts use the Comprehensive Health Investment Project (CHIP) model for low-income families with children aged 0 to 7 years and sponsor the Healthy Families Home Visiting Program to prevent abuse and neglect. Nurses from the Baby Care Program provide home visiting and case management services for high-risk Medicaid and FAMIS-eligible pregnant women and infants through age 2. VDH staff refers infants and toddlers to the Early Intervention Home Visiting Program if there is evidence of developmental delay or to Project Link if the parent is at risk for substance abuse.

Sexual Violence Prevention Programs

The Sexual Violence Prevention Program supports local sexual assault centers to offer prevention education in the local communities through funding and technical assistance. CIVP collects and analyzes data on the prevalence of sexual violence, provides training to human service providers and develops and promotes resources. CIVP provides outreach to males to encourage involvement in the issue, addresses the problem of statutory rape through training and a public awareness campaign, implements a campaign to prevent child sexual abuse and collaborates with other agencies in the prevention of teen dating violence and sexual assault.

Youth Suicide and Youth Violence Prevention

CIVP coordinates youth suicide prevention activities for the Commonwealth. CIVP disseminates information about suicide prevention to parents and professionals, provides suicide prevention training for persons in frequent contact with youth in schools and other organizations and is involved in regional training efforts to more broadly involve college campuses, medical providers and youth service providers in suicide prevention. CIVP collaborates with the Department of Education and other organizations to provide educators and others with an interest in youth violence prevention with data, information and training.

Health Care Services for Youth

Nationally, youth in the juvenile justice system are more sexually active and engage in sexual activity at younger ages. They are more likely than other youth to experience many acute and chronic health conditions, including pregnancy, sexually transmitted diseases (STDs) including HIV, drug and alcohol abuse, serious injury, dental problems, inadequate immunizations, physical and sexual abuse, learning disabilities and depression.

VDH programs provide early identification, treatment and care coordination for some of these health problems with family planning clinics, prenatal care services, STD clinics, HIV/AIDS services, sexual assault crisis centers, dental health services, immunization clinics, services for children with special health

care needs, primary care centers and school health services. Child Development Clinics work with schools, social service organizations, foster care, courts and others to evaluate and recommend treatment plans for children with suspected behavioral or developmental disorders. Clinical services are provided through local health departments and other contracted organizations. Services are available to all residents.

The VDH standards of care, *Bright Futures*, helps providers address risk behaviors at developmentally appropriate ages to promote healthy youth development.

Local health departments provide immunizations and mandated well child exams for low-income families. Some health departments provide comprehensive well child and sick child services for those without a regular source of care.

Surveillance and Health Statistics

VDH provides surveillance data as part of its public health assessment function. CIVP analyzes and reports injury-related death and hospitalization data. The Office of the Chief Medical Examiner sponsors Child Fatality and Family and Intimate Partner Homicide Surveillance and Fatality reviews as directed by the Code of Virginia. Review teams gather data, analyze systems responses and make recommendations for prevention. This Office also manages a national violent death reporting grant. The Virginia Center for Health Statistics publishes data relating to pregnancies, births and deaths. The Office of Epidemiology provides data relating to diseases such as HIV/AIDS.

More information about VDH's programs and surveillance data is available on their web site at <http://www.vdh.virginia.gov>.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES

The Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS) is the policy making, long-range planning and administrative authority for mental health, mental retardation, and substance abuse services in the Commonwealth.

Recognizing the State's commitment to locally-driven needs planning and service delivery, DMHMRSAS provides mental health, mental retardation and substance abuse services through contracts with local Community Service Boards (CSBs). There are 40 CSBs operating across the state that offer early intervention services for infants and toddlers with disabilities and their families, mental health services, and substance abuse prevention, addiction, and treatment services. State mental health hospitals and state mental retardation training centers provide inpatient services and discharge planning for community services.

Early intervention services are designated for infants and toddlers and their families. The eligible population includes children from birth to age three who are

developmentally delayed, who have atypical development, or who have a diagnosed physical or mental condition that has a high probability of resulting in delay. Available services may include a range of family-centered and community-based services defined by the Virginia Interagency Coordinating Council and approved by DMHMRSAS.

For mental health services for children and adolescents, the State Board has defined children and adolescents who are experiencing serious emotional or behavioral disturbance as the first priority for services and young children, from birth to age seven, at risk of developing serious emotional disturbance as the second priority.

Mental Health Services for children and adolescents may vary by locality. The *Code of Virginia* requires every CSB to offer emergency mental health services, case management and prescreening for state psychiatric admission. Many CSBs also offer specialized outpatient services, intensive in-home services, day treatment/education services, respite services, as well as some evidence-based practices, such as multisystemic therapy, functional family therapy and cognitive behavior therapy. A few offer group residential care and individual therapeutic homes. Referrals can be made directly to the CSB. Fees for service are based upon a family's income.

Prevention Planning

DMHMRSAS requires the use of a community-based prevention planning process that addresses risk and protective factors and encourages collaborative planning and the implementation of prevention services for youth before they develop problems. Risk factors common to several adolescent problem behavior areas include violence, substance use, delinquency, school failure and teen pregnancy. The community services boards were trained in a community-based prevention planning process in 1995. Since 1996, the CSBs have been asked to submit annual prevention plans. CSB personnel work with other human service providers, education, courts and law enforcement, the faith community, organizations, and parents and youth in prevention planning groups. These groups assess needs and resources, prioritize problem areas and risk indicators and plan and implement prevention services. The Plans are used in planning by the Virginia Departments of Education, Juvenile Justice, and Criminal Justice Services.

Prevention Programs and Services

The CSBs provide a variety of prevention programs. Some of these programs are *universal* prevention programs for general populations. They include school-based prevention education programs, provision of information about the consequences of specific behaviors such as substance use (e.g., Life Skills), and teaching of skills for resisting involvement in problem behaviors like fighting (e.g., peer mediation).

Other prevention programs in the community are either *selective* or *indicated*. Selective programs provide specific prevention services for subsets of the

population such as children of substance abusing parents. Indicated programs are designed to prevent the onset of substance abuse in individuals who do not meet DSM IV criteria for addiction but who are showing early danger signs such as failing grades, consumption of alcohol and use of other gateway drugs.

Alternative prevention programs offer opportunities for youth to gain skills that allow them to work with others, think about the future, set goals, and improve learning skills. They are provided after school hours in schools and other community settings. These programs include a variety of prevention activities including but not limited to prevention education, tutoring or homework help, mentoring, job shadowing, apprenticeships or entrepreneurial efforts, summer camp sessions on college campuses or other sites, and community service activities.

Problem identification and referral prevention services are offered through student assistance programs in schools. CSB prevention staffs provide training and support to school personnel; conduct support groups for students focusing on substance use, anger management, and smoking cessation; help set up peer tutorials; lead conflict mediation training; and provide individual and small group counseling. If a child has more serious problems such as hurting self or others, the student assistance counselor talks to school personnel who contact the family for discussion.

For further information about the DMHMRSAS, visit the web site at <http://www.dmhmrzas.virginia.gov>.

SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES Act

The Safe and Drug Free Schools and Communities Act (SDFSCA) funds are designated to support programs that prevent violence and promote school safety, discourage the use of alcohol, tobacco and other drugs, involve parents, and are coordinated with related federal, state, and community resources. SDFSCA funds have been used in Virginia since the mid 1980s. For FY 2005-2006, Virginia received just over \$8 million in SDFSCA funding.

All programs funded by the federal SDFSCA funds must meet the mandated U.S. Department of Education's Principles of Effectiveness. The Principles of Effectiveness require programs to be based on specific criteria.

Programs or activities must:

- be based on an assessment of objective data regarding the incidence of violence and illegal drug use in the elementary and secondary schools and communities to be served;
- be based on an established set of performance measures to ensure that the elementary and secondary schools and communities to be served have a safe, orderly and drug-free learning environment;

- be based on scientifically based research that provides evidence that the programs used will reduce violence and illegal drug use;
- include meaningful and ongoing consultation with parents in the development of the application and administration of the program or activity;
- be based on an analysis of the data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of reported cases of child abuse and domestic violence; and of protective factors, buffers, assets, and other variables identified through scientifically based research that occur in schools and communities.

Governor's Office for Substance Abuse Prevention (GOSAP)

The Governor's Office for Substance Abuse Prevention (GOSAP) administers 20 percent, approximately \$1.3 million, of the federal Safe and Drug Free Schools and Communities Act (SDFSCA) funds under Title IV of the No Child Left Behind Act of 2001 (NCLB).

For FY 2005, Safe and Drug-Free Schools and Communities Act (SDFSCA) grants were awarded to 21 projects to support youth substance abuse and violence prevention efforts in 35 Virginia communities. With priority given to projects targeting youth at higher risk for substance abuse and other problem behaviors, grants are awarded for programs for youth who need special services or additional resources, replication of evidence-based programs, community prevention needs assessments, and continuation of effective programs.

Additionally, GOSAP provided grants of up to \$50,000 to community, faith-based, law enforcement, school, and senior service organizations that involve youth working together with seniors to improve the overall safety environment for both through its Protect & Respect program. Eight intergenerational mentoring projects and eight youth crime prevention projects have been funded.

GOSAP collaborates with Virginia Commonwealth University's Center for School-Community Collaboration to manage the grants and provide technical assistance to grantees and potential grantees. Ongoing oversight includes a cross-site evaluation, to assess implementation and collect data on project-specific outcomes.

In addition to providing grant opportunities for locally-operated substance abuse and violence prevention programs, GOSAP provides or collaborates to support other initiatives relating to substance abuse which are described below.

Statewide Leadership for Substance Abuse Prevention

GOSAP provides statewide leadership to Virginia's 13 agencies with prevention responsibilities to improve communication, foster agreement, facilitate cooperation and partnerships, share resources, increase consistency, simplify processes and increase accountability.

Tools to Support Evidence-Based Prevention

Virginia's Community Profile Database is a one-stop, web-based tool to give user-friendly access to state and local data; information on operating youth prevention and early intervention programs; and links to searchable databases for evidence-based programs, key research and sources on best practices, federal performance measures and outcomes, national data, and state-level surveys of Virginia's youth.

GOSAP's agency website, a clearinghouse for Virginia's prevention community, includes a calendar of prevention-related training and events with links to sponsoring agency websites; information on GOSAP, its products and services; downloadable copies of Virginia's statewide prevention plan, prevention pocket guide and other publications; links to current funding opportunities administered by collaborative agencies, as well as funding research resources for other funding streams; and announcements on prevention-related "hot topics" and issues.

A prevention pocket guide, *Our Common Language: A Quick Guide to Prevention Terminology in Virginia*, explains the commonality in definitions, planning, and evaluation models used in Virginia's prevention agencies.

Evidence-based prevention training includes:

- statewide training events to provide prevention practitioners with opportunities to learn prevention research from national, state and local experts;
- prevention-related workshops and training at local, state and national meetings and conferences to promote the use of risk-based planning and evidence-based programming;
- statewide campaigns to provide children, parents, educators and others with practical information for positive youth development;
- prevention leadership experiences for youth to promote positive youth development; and
- implementation workshops for potential grantees and grantee training in grant writing, grants administration and evaluation to improve the ability of potential.

Additional information on GOSAP's activities, projects and grantees can be found on the agency's website at: www.gosap.virginia.gov .

Department of Education

In accordance with the formula set forth in the federal statute, 80 percent of Virginia's SDFSCA funds are administered through the Virginia Department of Education (DOE) for grants to local school divisions. For FY 2005-2006, this is about \$6.5 million of which 93% of the funds are distributed to school divisions. Seven percent is retained by the Department of Education for program and

administrative costs. Funded programs have to meet SDFSCA Principles of Effectiveness to assure the implementation of quality, science-based prevention programs. School divisions submit an application for use of the funds; DOE staff provides technical assistance and consultation to the division SDFSCA coordinators in meeting the stated program goals and objectives.

In addition to the formula grants distributed to the local school divisions, the DOE supports numerous training opportunities for school personnel, law enforcement and other interested agencies and organizations in teacher training, curriculum development, parent education and special events that meet the goal of fostering a safe and drug-free learning environment that supports academic achievement.

For more information on DOE's SDFSCA program, visit the www.safeanddrugfreeva.org website.

DEPARTMENT OF SOCIAL SERVICES

The Virginia Department of Social Services (VDSS) administers a broad array of social and human services programs across the state that focus on at-risk youth and families.

VDSS is one of the cornerstone agencies that assist with the work of the Comprehensive Services Act (CSA). In keeping with the CSA, localities play a major role in identifying needs and planning strategies to meet the needs of at-risk populations within their communities. The populations of concern continue to be children and youth in need of foster care, school dropouts and truants, teen parents, substance abusing children and violent families.

From a legal and historical perspective, Virginia mandates the protection of children and family members first, before the delivery of necessary services. Thus, if an at-risk child or family member cannot be adequately protected from harm without placement and/or the family does not possess adequate strengths on which to build competent behavior, the services will not be provided until the safety of the parties has been ensured.

Within DSS, the federally required Child and Family Services Plan guides many of the initiatives that address youth at risk of juvenile justice involvement.

Child and Family Services Plan

To be eligible for federal financial participation under Title IV-B of the Social Security Act, each state must have a comprehensive Child and Family Services Plan (CFSP).

Local Child and Family Services Plans

Community-based plans form the foundation of the State CFSP. Communities are responsible for assessment, identification, and delivery of needed child and family services. Each participating community agrees, in writing, to undertake a comprehensive community needs assessment and to develop and implement

their own CFSP. Many communities have chosen to use the “Communities That Care” model of assessment to determine the types and degrees of risk to children and the factors and services within communities that can protect children from further risk.

To provide maximum local flexibility, each community has the freedom to choose what mix, if any, of the four basic services of family preservation, family support, reunification (for children in foster care), and adoption to provide to its citizens. As a result, communities can address directly the prevention and support needs of at-risk youths and their families. Under the cooperative framework of the Comprehensive Services Act, services are provided through interagency collaboration and coordination, and public/private partnerships.

Child Protective Services

The goal of Child Protective Services (CPS) is to identify, assess and provide services to children and families to protect children, to preserve families whenever possible, and to prevent further maltreatment. Child Protective Services is non-punitive in its approach and is directed toward enabling families to provide adequate care for their children.

The Child Protective Services Program in Virginia is state supervised and locally administered. Activities for child protection take place on two levels: state and local. At the state level, the Child Protective Services Unit is responsible for: (1) developing regulations, policies, procedures and guidelines; (2) providing technical assistance, case consultation, training, and monitoring to the 120 local departments of social services; (3) implementing statewide public awareness programs, (4) explaining programs and policies to mandated reporters and to the general public, (5) coordinating and delivering training, (6) funding special grant programs, and (6) maintaining and disseminating data obtained from an automated information system.

The Department of Social Services administers over 100 grants to local community programs to provide an array of prevention and treatment services. Examples include Healthy Families, Family Violence Prevention projects, Victims of Crime, and Child Advocacy Centers.

In addition to its administrative responsibilities, the Department offers direct services including (1) operating a statewide 24-hour Child/Adult Abuse and Neglect Hotline, and (2) maintaining a Central Registry of victims and caretakers involved in child abuse and neglect.

Local department of social services staff are responsible for responding to reports of suspected child abuse and neglect by either conducting an investigation or a family assessment. Local departments provide services, in coordination with community agencies, in an effort to provide for the safety of the child within his/her own home.

Foster Care

Foster Care is a program that provides services, substitute care, and supervision for a child on a 24-hour basis until the child can return to his or her family or be placed in an adoptive home or another permanent foster care placement. All local departments of social services provide foster care. The philosophy of Virginia's Foster Care Program is to maintain family unity and ensure that all children grow up in safe and stable homes. Because all children deserve a permanent home, foster care is intended to be a temporary response, not a long-term solution, to family problems.

In Virginia, more than 7,600 children are in foster care at any given time. Children enter into foster care for many reasons, including abuse, neglect and parental request. From the time a child enters the foster care system, the goal is to ensure he or she will have a safe and stable family with which to live.

Each child in foster care is unique. The children range from infancy to age 21 and come from a variety of racial and ethnic backgrounds. Many are teenagers - some are siblings. Some children in foster care face physical, emotional or mental challenges. Special services such as counseling, special education, physical therapy, speech therapy, and specialized medical care are provided to help them develop age-appropriate skills.

The need for more individuals willing to share their home and heart with a child is ongoing. Being a foster parent has both challenges and rewards. All foster parents receive support as part of a team of individuals and agencies, working together in the best interests of each child. Local departments of social services provide training for foster parents designed to help them understand and manage the needs of children in their care.

Community and Faith-Based Partnerships

VDSS works to develop, strengthen and protect the families and communities of Virginia. One key factor influencing the agency's success is collaboration and coordination with community and faith-based organizations. The development of partnerships provides prevention resources and support services for juveniles and their families.

Through the Virginia Mentoring Initiative, VDSS helps local social services and their partners in community and faith-based organizations to establish youth and family-to-family mentoring programs. The Fatherhood Initiative promotes the involvement of committed fathers in the lives of their children and provides training and resources to equip men to be better fathers. The Healthy Marriage and Stable Families Initiative provides community-based family preservation and supportive services to strengthen marriages and stabilize families. The initiative focuses on innovative approaches to locally identified needs and development of programs to strengthen healthy marriages, to help troubled marriages or to help single individuals develop skills that will lead to healthy relationships that contribute to a positive environment in which children can develop to their fullest potential physically, emotionally, intellectually and socially.

VIRGINIA SUPREME COURT

Juvenile & Family Drug Courts

During the 1990s, the incidence of juvenile arrests for narcotics and alcohol-related offenses increased dramatically. One response to this problem, in Virginia and nationwide, was the development of drug court programs. Eight juvenile drug treatment courts are now operating in Virginia located in Chesterfield, Fairfax, Fredericksburg, Hanover, Newport News, Prince Williams, Richmond and the Thirtieth Judicial District (Lee, Scott & Wise Counties).

The drug court model includes early identification of defendants in need of treatment; continuous, intense, community-based treatment with judicial supervision; regular hearings before the judge to monitor treatment progress and compliance; increased accountability of the juvenile through a series of graduated sanctions and rewards; and mandatory periodic random drug testing.

Drug court participants move through phases that decrease intensity of supervision and increase self-responsibility as they progress through the program. Throughout, participants are required to acquire and maintain full-time employment or be enrolled in a full-time educational program. Sanctions are enforced. Participants who fail the program may be placed in secure confinement. For successful participants, graduation from drug court usually occurs 12–18 months after entry to the program.

Because drug courts require rigorous adherence to the program, some eligible offenders choose incarceration or probation instead.

Three family drug treatment courts have been implemented in the cities of Alexandria, Charlottesville, and Richmond. These courts focus on addicted parents who are before the court on child abuse and neglect petitions. Although these courts are more civil than criminal in nature, the treatment model parallels that of other drug treatment courts. More information about Virginia drug treatment courts is available on the Supreme Court web site at <http://www.courts.state.va.us/dtc/home.html>.

VIRGINIA TOBACCO SETTLEMENT FOUNDATION

The Virginia General Assembly established the Virginia Tobacco Settlement Foundation (VTSF) in 1999 to lead a statewide effort to reduce and prevent the use of tobacco products by youth in Virginia. The VTSF is meeting its mission through multifaceted efforts including community programs and education, a public awareness campaign, innovative research, and enforcement of Virginia's tobacco access laws. Virginia has committed 10% of its share of the Master Settlement Agreement to fight youth tobacco use. For more information, visit the web site at <http://www.vtsf.org>.

Community Programs & Education

The VTSF is committed to involving Virginia's communities in the effort to prevent tobacco use by youth. Local groups and organizations are funded to implement tobacco use prevention programs directly with young people. The local programs teach youth about tobacco use cessation, life skills, advocacy, youth empowerment, and social skills in an effort to assist them in avoiding tobacco use.

Youth-Focused Public Awareness

Based on the most extensive youth marketing research ever conducted in Virginia, the VTSF has a statewide campaign that integrates hard-hitting messages through a multimedia marketing effort. Strategies include television and radio commercials, an interactive web site (www.ydouthink.com), internet banner ads, cinema advertising, and grassroots marketing activities-all designed to reinforce the VTSF's youth tobacco use prevention message.

Innovative Research

The VTSF has convened a research consortium consisting of Virginia's major research universities to coordinate primary research efforts. The consortium allows universities to coordinate their efforts and use the strengths of each institution. Research projects address a range of issues, including determining if there is a possible genetic predisposition to nicotine dependence, and the identification of factors that may impact a youth's progression from experimentation with tobacco products to addiction.

Enforcement

The VTSF funds the Virginia Department of Alcoholic Beverage Control (ABC) to conduct approximately 400 compliance checks per month, where agents randomly test tobacco retailers to determine if they will sell tobacco products to under-age buyers. To date, these checks have shown a steady increase in retailer compliance with Virginia's tobacco access laws.